

Appl. No. 10/079,184
Atty. Docket No. 8872Q
Amdt. dated July 26, 2005
Reply to Office Action of July 14, 2005
Customer No. 27752

REMARKS

Prosecution on the merits of this application was reopened on claims 2-9 and 14-16 considered unpatentable by the Office in view of the newly discovered reference(s) to Heki et al. USPN 5906008 and Coenen et al. US Patent Application Publication 2002/0000291. In addition Claim 2 allegedly has a question of indefiniteness.

Claims 2-9, 14-19, 23 and 25-27 are pending in the present application. No additional claims fee is believed to be due.

Claims 1, 10-13, 20-22 and 24 were previously canceled without prejudice.

Attorney for the Applicants wishes to thank the Examiner for the telephonic interview regarding the subject application on July 26, 2005. In accordance with the telephonic interview, Claims 2 has been amended per this response to correct antecedent basis by identifying a first ear panel as being disposed along each longitudinal side edge in the second waist region. Support for this amendment is found on page 4, lines 1-2 of the specification. Claim 14 has been amended per this response to identify the at least one internally visible serviceable indicium as being disposed on the body-facing surface. Support for this amendment is found on page 19, lines 11-14, and figures 6-18 of the specification. Consequently, it is believed that these changes do not involve any introduction of new matter. Entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 112 Second Paragraph

The Office has rejected claims 2-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitation "each of the first ear panels" in line 22. According to the Office, there is insufficient antecedent basis for this limitation in the claim. As explained above, claim 2 has been amended per this response to correct antecedent basis by identifying a first ear panel as being disposed along each longitudinal side edge in the second waist region. Support for this amendment is found on page 4, lines 1-2 of the specification.

Rejection Under 35 USC 103

The Office has rejected claims 14-19 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Heki et al. USPN 5906008 in view of Coenen et al. US Patent Application

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Publication 2002/0000291. As to claim 14, according to the Office, Heki provides a conventional disposable absorbent article having a topsheet, backsheet, and core as claimed (Figures 1-3). Heki does not disclose indicia as claimed. Coenen et al. discloses indicia on the outer surface (Figures 4 and 5). According to the Office, such indicia could obviously align with an anatomic feature of the user, such as the stomach. In addition, the Office states while the claim sets forth "internally visible serviceable indicia", such indicia has not been specifically claimed as being in any particular configuration or location on the disposable article. As such, - "internally visible serviceable indicia" could read on the indicia being visible "internally" in a room.

As explained above, Claim 14 has been amended per this response to identify the at least one internally visible serviceable indicium as being disposed on the body-facing surface. Support for this amendment is found on page 19, lines 11-14, and figures 6-18 of the specification. Since the references cited do not disclose internally visible serviceable indicia disposed on the body-facing surface of the absorbent article, claim 14 as well as claims 15-19 and 25-27 depending therefrom are patentable over Heki et al in view of Coenen et al.


Allowable Subject Matter

Attorney for the applicants notes with appreciation that the Office has allowed claim 23.

Conclusion

In light of the above remarks, it is requested that the Office allow claims 2-9, 14-19, 23 and 25-27. Early and favorable action in the case is respectfully requested.

Respectfully submitted,
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